



YOUTH COMMUNITY CORRECTIONS BUREAU STANDARD OPERATING PROCEDURES

Procedure No.: YCC 40-2	Subject: RELEASE OF YOUTH RECORDS
Chapter 40:CONFIDENTIAL INFORMATION	Page 1 of 6
Applicable ACA Standards: 2-7070, 2-7190, 2-7141	Revision Date: 01-09-06, 11-23-07, 08-05-08, 01-06-09, 08-17-09, 05-24-10
Signature: /s/ Karen Duncan	Effective Date: 12-31-02
Signature: /s/ Steve Gibson	

I. BUREAU DIRECTIVE:

The Youth Community Corrections (YCC) Bureau employees will ensure all applicable Federal, State, and local privacy statutes are observed with respect to releasing records of youth committed to the Department of Corrections for placement in a secure facility. This procedure will be reviewed annually and updated as needed.

II. DEFINITIONS:

Criminal History - information about youth collected by criminal justice agencies consisting of identifiable descriptions and notations of arrests, detentions, the filing of complaints, indictments, or information and dispositions arising there from sentences, correctional status, and release.

Criminal Justice Agency - any court with criminal jurisdiction; any federal, state, or local government agency designated by statute or by a governor's executive order to perform as its principal function the administration of criminal justice. Examples include: Municipal/City Court; Justice Courts; District Courts; The Supreme Court; Federal Courts; City Police Departments; County Sheriff Departments; Department of Justice; Federal Probation; Department of Corrections; City Attorney Offices and County Attorney Offices; Juvenile Probation Offices; and pretrial release services.

Criminal Justice Information - information relating to criminal justice, which is collected, processed, or preserved by a criminal justice agency.

Dissemination - communication or transfer of criminal justice information to individuals or agencies other than the criminal justice agency that maintains the information. It includes confirmation of the existence or nonexistence of criminal justice information.

Need to Know – information that staff must have on the youth in order to properly and adequately perform his/her job-related duties and responsibilities as defined by statute, policies, and procedures.

Public Record for Youth - includes only the youth court record information set forth in [41-5-215 MCA](#), Youth court and department records -- notification of school: Formal youth court records, including reports of preliminary inquiries, petitions, motions, other filed pleadings, court findings, verdicts, and orders and decrees on file with the clerk of court.

Procedure No.: YCC 40-2	Chapter 40: CONFIDENTIAL INFORMATION	Page 2 of 6
Subject: RELEASE OF YOUTH RECORDS		

Victim - a person who suffers property, physical, or emotional injury as a result of an offense committed by a youth that would be a felony offense if committed by an adult; an adult relative of the victim if the victim is a minor; or an adult relative of a homicide victim.

Youth Felony Offense - an offense committed by a youth that, if committed by an adult, would constitute a felony offense. The term includes any offense for which a youth may be declared a serious juvenile offender as defined in [41-5-103 \(28\), MCA](#).

III. PROCEDURES:

- A.** Juvenile Parole Officers (JPO) may release written social, medical and psychological records, youth assessment materials, predispositional studies, and supervision records that have been produced by the youth court or department on a youth under active parole supervision only to the following persons/agencies:
1. Placement providers under contract or agreement with Department of Corrections or Department of Public Health & Human Services for the purpose of screening referral information, and/or the ongoing information coordination during the time the youth is in the placement;
 2. Certified chemical dependency counselors, licensed doctors, psychiatrists, psychologists, counselors and mental health professionals providing evaluation and/or treatment services to the youth in an official capacity;
 3. Law enforcement/criminal justice agencies conducting official business;
 4. Special Education Department of schools wherein the youth attends or expects to attend for the purpose of evaluating and providing services for the youth;
 5. Adult Probation and Parole officers conducting a pre-sentence investigation ;
 6. An attorney representing the youth;
 7. The Youth Court and its professional staff;
 8. Representatives of any agency providing supervision and having legal custody of a youth and/or temporary investigative authority with a family;
 9. Any person granted access by court order;
 10. The County Attorney and his/her professional staff; and,
 11. Any Youth Placement Committee and local interagency staffing group provided for in [52-2-203, MCA](#) and [52-2-211, MCA](#).

Procedure No.: YCC 40-2	Chapter 40: CONFIDENTIAL INFORMATION	Page 3 of 6
Subject: RELEASE OF YOUTH RECORDS		

- B.** The Parole officer must inform any party to whom written record is released that the party must destroy the record after it has fulfilled its purpose or when the record is sealed.

C. Public Information

All youth court records on file with the clerk of court, including reports of preliminary inquiries, petitions, motions, other filed pleadings, court findings, verdicts, orders, and decrees, are open to public inspection until the court records are sealed under [41-5-216, MCA](#). Social, medical and psychological records, youth assessment materials, pre-dispositional studies and supervision records have restricted access according to [41-5-215, MCA](#). The JPO will refer any person (not identified in the above section A) requesting this public information, to the Clerk of Court's office.

- D.** Medical, psychological, psychiatric or assessment documents not produced by the department or the youth court that are in the department's possession:

1. JPO shall request the youth's parent or guardian to sign a release of confidential information form [refer to [YCC 40-2\(A\), Authorization for the Release of Confidential Information](#)].
2. Once the youth's parent/guardian has signed the release, the document may be released to providers under contract with Youth Services Division.

- E.** Medical, psychological, psychiatric or assessment documents not produced by the department or the youth court and not in the department's possession must be requested from the document's author.

1. JPOs shall send the signed release to the document's author.

F. Victims

In all cases, a victim is entitled to all information concerning the identity and disposition of the youth, as provided in [41-5-1416, MCA, Victims and Witnesses of Youth Felony Offenses-Consultation-Notification of Proceedings](#).

1. The victim who provides the appropriate agency with a current address and telephone number must receive prompt advance notification of youth court case proceedings from the county attorney or a designee, including:
 - a. the filing of a petition;
 - b. the release of youth from detention or shelter care;

Procedure No.: YCC 40-2	Chapter 40: CONFIDENTIAL INFORMATION	Page 4 of 6
Subject: RELEASE OF YOUTH RECORDS		

- c. proceedings in the adjudication of the petition, including, when applicable, entry of a consent decree, the setting of a date for dispositional hearing, the disposition made,
 - d. Preferably, the relevant Youth Correctional Facility shall provide information regarding the release of the youth from a state youth correctional facility. If the Youth Correctional Facility does not provide this information and the victim has provided a current address and telephone number to the parole officer, the parole officer may provide information about the release of the youth from a state youth correctional facility.
 - e. The JPO may release other information to victims only according to procedure [YCC 60-9, Victim Rights and Notification](#).
- 2. The county attorney or designee shall consult with the victim of a youth felony offense regarding the disposition of the cause including:
 - a. a dismissal of the petitions filed under [41-5-1402, MCA, Petition Form and Content](#);
 - b. a reduction of the charge to misdemeanor;
 - c. the release of the youth from detention or shelter care pending the adjudicatory hearing; and,
 - d. the disposition of the youth.

G. Schools

The identity of a youth, who for the second or subsequent time, admits violating or is adjudicated as having violated a statute must be disclosed by youth court officials to the administrative officials of the school in which the youth is a student. The administrative officials may enforce any school disciplinary procedures that existed at the time of the admission or adjudication. The information may not be further disclosed and may not be made part of the student's permanent records. The JPO will refer school districts to the Youth Court Services for the release of records under this section.

- H.** Documentation of Releases of Information: All release of information forms will be completed as to type of information released, to whom, on what date and for which purpose the release was made on the [“Authorization for the Release of Confidential Information” YCC 40-2 \(A\)](#) and recorded in the chronological history. The JPO will make every effort to secure the youth and/or parent / guardian's signatures on the [“Authorization for the Release of Confidential Information” YCC 40-2 \(A\)](#).
- I.** For requests of files on 208 transfers, after receipt of copy of transfer order, if record is not sealed, release file to officer supervising youth. If record is sealed, require an order from the youth court in file to officer supervising youth. If record is sealed, require an order from the youth court in accordance with [41-5-216 \(5\)](#) before releasing the record.

Procedure No.: YCC 40-2	Chapter 40: CONFIDENTIAL INFORMATION	Page 6 of 6
Subject: RELEASE OF YOUTH RECORDS		

investigation. If the record is sealed, require an order from the youth court in accordance with [41-5-216 \(5\)](#) before releasing sealed records.

IV. CLOSING:

Questions concerning this procedure shall be addressed to the Youth Community Corrections Bureau Chief.

V. REFERENCES:

Title 2, Chapter 3, MCA	Public Participation in Governmental Operations
Title 2, Chapter 6, MCA	Public Records
41-5-215, MCA	Youth Court and Department Records-notification of school
41-5-216, MCA	Disposition of youth court, law enforcement, and department records
41-5-1416 MCA	Victims and Witnesses of Juvenile Felony Offenses-Consultation-Notification of Proceedings
Title 44, Chapter 5, MCA	Criminal Justice Information
Title 50, Chapter 16, MCA	Health Care Information
52-2-203, MCA	Cooperative Agreement Regarding Children's Services
52-2-211, MCA	County Interdisciplinary Child Information Team
53-1-203, MCA	Powers and Duties of Department of Corrections
DOC 1.5.5	Case Records Management
DOC 1.5.6	Offender Records Access and Release

VI. ATTACHMENTS:

[YCC 40-2 \(A\) Authorization for the Release of Confidential Information](#)
[YCC 40-2 \(B\) Duplicate Record Cover Letter](#)